



**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

Docket No. 2133.096USU  
Customer No.: 27623

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our respective names.

We believe we are the original, and first joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROCESS AND DEVICES FOR THE DETERMINATION OF A  
PMD-INDUCED OUTAGE PROBABILITY OF AN OPTICAL TRANSMISSION SYSTEM**

the specification of which

(check one)        is attached hereto.

XXX was filed on January 12, 2006 as Application Serial No.  
10/564,461 and was amended on January 12, 2006 (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a) - (d) or (f), or Section 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or Section 365(a) of any PCT International Application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application(s) for patent or inventor's certificate(s) or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

103 41 257.3  
(Number)

Germany  
(Country)

4 September 2003  
(Day/Mon/Year Filed)

X Yes        No

PCT/EP04/009848  
(Number)

PCT  
(Country)

3 September 2004  
(Day/Mon/Year Filed)

X Yes        No

                      
(Number)

                      
(Country)

                      
(Day/Mon/Year Filed)

       Yes        No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status - patent, pend., abandon.)
(Application Serial No.)	(Filing Date)	(Status - patent, pend., abandon.)

We hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)	(Status - patent, pend., abandon.)
(Application Serial No.)	(Filing Date)	(Status - patent, pend., abandon.)

**POWER OF ATTORNEY:** As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

NAMES	REGISTRATION NUMBERS
Charles N.J. Ruggiero	28,468
Paul D. Greeley	31,019

SEND CORRESPONDENCE TO:	DIRECT TELEPHONE CALLS TO:
Charles N.J. Ruggiero, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. One Landmark Square, 10th Floor Stamford, Connecticut 06901-2682	Charles N.J. Ruggiero, Esq. Telephone: (203) 327-4500 Telefax: (203) 327-6401

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR	LAST NAME MIYAMOTO	FIRST NAME YUTAKA	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY TOKYO	STATE OR COUNTRY JAPAN	CITIZENSHIP JAPAN
POST OFFICE ADDRESS	P.O. ADDRESS 9-11, Midori-cho, 3 Chome, Musashino-shi	CITY & STATE TOKYO, JAPAN	ZIP CODE 180-8585

Inventor's signature Yutaka Miyamoto Date August 2, 2006  
 YUTAKA MIYAMOTO

FULL NAME OF INVENTOR	LAST NAME HIRANO	FIRST NAME AKIRA	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY TOKYO	STATE OR COUNTRY JAPAN	CITIZENSHIP JAPAN
POST OFFICE ADDRESS	P.O. ADDRESS 9-11, Midori-cho, 3 Chome, Musashino-shi	CITY & STATE TOKYO, JAPAN	ZIP CODE 180-8585

Inventor's signature Akira Hirano Date August 2, 2006  
 AKIRA HIRANO

FULL NAME OF INVENTOR	LAST NAME KISAKA	FIRST NAME YOSHIAKI	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY TOKYO	STATE OR COUNTRY JAPAN	CITIZENSHIP JAPAN
POST OFFICE ADDRESS	P.O. ADDRESS 9-11, Midori-cho, 3 Chome, Musashino-shi	CITY & STATE TOKYO, JAPAN	ZIP CODE 180-8585

Inventor's signature Yoshiaki Kisaka Date August 2, 2006  
 YOSHIAKI KISAKA

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**Prior Foreign Application(s)**

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Mon/Year Filed)</u>	<u>Priority Claimed</u>
<u>103 41 257.3</u>	<u>Germany</u>	<u>4 September 2003</u>	<u>X</u> Yes <u>   </u> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Mon/Year Filed)</u>	
<u>PCT/EP04/009848</u>	<u>PCT</u>	<u>3 September 2004</u>	<u>X</u> Yes <u>   </u> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Mon/Year Filed)</u>	
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>   </u> Yes <u>   </u> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Mon/Year Filed)</u>	

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_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status - patent, pend., abandon.)
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_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status - patent, pend., abandon.)
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Charles N.J. Ruggiero, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. One Landmark Square, 10th Floor Stamford, Connecticut 06901-2682	Charles N.J. Ruggiero, Esq. Telephone: (203) 327-4500 Telefax: (203) 327-6401

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FULL NAME OF INVENTOR	LAST NAME WEIERSHAUSEN	FIRST NAME WERNER	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY EPPERTSHAUSEN	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMANY
POST OFFICE ADDRESS	P.O. ADDRESS Nieder-Röder- Straße 48c	CITY & STATE EPPERTSHAUSEN, GERMANY	ZIP CODE 64859

Inventor's signature

  
 WERNER WEIERSHAUSEN

Date

14/08, 2006

FULL NAME OF INVENTOR	LAST NAME MATTHEUS	FIRST NAME ARNOLD	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY DARMSTADT	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMANY
POST OFFICE ADDRESS	P.O. ADDRESS Schepp Allee 49	CITY & STATE DARMSTADT, GERMANY	ZIP CODE 64295

Inventor's signature

  
 ARNOLD MATTHEUS

Date

14/08, 2006

FULL NAME OF INVENTOR	LAST NAME LEPPLA	FIRST NAME RALPH	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY DARMSTADT	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMANY
POST OFFICE ADDRESS	P.O. ADDRESS Martinstraße 76	CITY & STATE DARMSTADT, GERMANY	ZIP CODE 64285

Inventor's signature

  
 RALPH LEPLA

Date

14/08, 2006